


**RECEIVED**  
 Date Received  
 TOWN CLERK  
 JAN 07 2015  
 TOWN CLERK  
 By: ACTON 



TOWN OF ACTON  
 MASSACHUSETTS

**RECEIVED**  
 Date Received  
 BOARD OF APPEALS  
 JAN - 7 2014  
 By: ACTON BOARD OF APPEALS

BOARD OF APPEALS  
 (FORM 4)  
 PETITION FOR A SPECIAL PERMIT

Jan 6 2015  
19

I/We hereby petition the Board of Appeals for a public hearing and a special permit under Section 8.1.5 of the Zoning By-Law, as provided by G.L. Chapter 40A, Section 9 to allow: Addition of a 26'x 26' 2 car garage

11 Berry Lane frontage 80'  
Gross Floor Area: 2294 x .15 = 344 sf.  
Basement 1116 sf. proposed 26x26 garage  
1st Floor 1301 sf. = 676 sf.  
Second Floor 877 sf.  
total 2294 sf. existing

OFFICE USE ONLY  
 Four copies of petition? + CO Rom  
 Location map? \_\_\_\_\_  
 Plot plans? \_\_\_\_\_  
 Additional briefs? \_\_\_\_\_  
 List of abutters and other interested parties? \_\_\_\_\_  
 Fee - \$100.00/1-25 abutters  
 \$125.00/26+ abutters?  
 Next Hearing Date? 2/2/15 No 15-04  
7:15 pm.

Respectfully submitted  
 Signed Peter L. Moorman AIA  
 (Petitioner) 978-263-8004

Name Peter Moorman  
 Address 11 Berry Lane  
 Phone # 617-653-6927  
 Signed Peter Moorman  
 (Owner of record)

Name Lisa Moorman  
 Address 11 Berry Lane  
 Phone # 617-519-4334

A special permit may be granted by the Board of Appeals under specific paragraphs of the Zoning By-Law. In general, the use may be permitted if the special permit will be in harmony with the general provisions and intent of the Zoning By-Law and if all requirements or conditions for the granting of such a permit, as contained in the specific sections of the Zoning By-Law, have been satisfied.

- 1.3.5 DWELLING UNIT: A portion of a BUILDING designed as the residence of one FAMILY.
- 1.3.6 FAMILY: A person or number of persons occupying a DWELLING UNIT and living as a single housekeeping unit, provided that a group of six or more persons shall not be deemed a FAMILY unless at least half of them are related by blood, marriage or adoption, including wards of the state.
- 1.3.7 FLOOR AREA, GROSS: The sum of the gross horizontal areas of the several floors of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a wall separating two BUILDINGS, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.
- 1.3.8 FLOOR AREA, NET: The total of all floor areas of a BUILDING including basement and other storage areas, but not including stairways, elevator wells, rest rooms, common hallways and BUILDING service areas, and not including areas used for a Child Care Facility as defined in Section 3.4.6 of this Bylaw provided that such Child Care Facility is accessory to a PRINCIPAL USE located in the same BUILDING or on the same LOT.
- 1.3.9 FLOOR AREA RATIO: The ratio of the sum of the NET FLOOR AREA of all BUILDINGS on a LOT to the DEVELOPABLE SITE AREA of the LOT.
- 1.3.10 FRONTAGE A continuous LOT line along the sideline of a STREET. The sideline of a STREET is defined by the front boundary lines of LOTS along a STREET and not necessarily the pavement edge of a STREET or sidewalk.
- 1.3.11 OPEN SPACE: Those areas of a LOT on which no BUILDING or STRUCTURE is permitted, except as otherwise provided by this Bylaw, and which is not to be used or devoted to STREETS, driveways, sidewalks, off-STREET parking, storage or display.
- 1.3.12 LOT: An area of land, undivided by any STREET, in one ownership with definitive boundaries ascertainable from the most recently recorded deed or plan which is 1) a deed recorded in Middlesex County South District Registry of Deeds, or 2) a Certificate of Title issued by the Land Court and registered in the Land Court section of such Registry, or 3) title of record disclosed by any and all pertinent public documents.
- 1.3.13 LOW-INCOME: The term LOW-INCOME shall refer to households having a total household or FAMILY income less than or equal to eighty (80) percent of the median income for the Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program.
- 1.3.14 MODERATE-INCOME: The term MODERATE-INCOME shall refer to households having a total household or FAMILY income less than or equal to one hundred twenty (120) per cent, but more than eighty (80) per cent of the median income for the Boston Primary Metropolitan Statistical Area, as set forth in regulations promulgated from time to time by the U.S. Department of Housing and Urban Development pursuant to 42 USC 1437 et seq., and calculated pursuant to said regulations; or a household in a similar income group which is eligible for housing assistance under a state or federal subsidy program.
- 1.3.15 SENIOR: An individual who is 55 years of age or older.

## **SECTION 8.**

### **NONCONFORMING LOTS, USES, STRUCTURES AND PARKING; EXEMPTIONS**

#### **8.1 Nonconforming Lots**

- 8.1.1 Continuation of Existing LOT – The requirements of Section 6 of “The Zoning Act” Chapter 40A of the General Laws, as amended, shall apply.
- 8.1.2 Changes to Unimproved LOTS – Any unimproved LOT which complied with the minimum area, FRONTAGE, LOT width, yard and depth requirements, if any, in effect at the time the boundaries of the LOT were defined by recorded deed or plan, may be built upon for single FAMILY, or where permitted two-FAMILY, residential USE, notwithstanding the adoption of new or increased LOT area, FRONTAGE, LOT width, yard or depth requirements, provided that:
- 8.1.2.1 At the time of the adoption of such new or increased requirements such LOT was held, and has continued to be held, in ownership separate from that of adjoining land; and
  - 8.1.2.2 The LOT had at least 5,000 square feet of area and 50 feet of FRONTAGE at the time the boundaries of the LOT were defined; and
  - 8.1.2.3 Any proposed STRUCTURE is situated on an unimproved LOT so as to conform with the minimum yard requirements, if any, in effect at the time the boundaries of such LOT were defined. In the case where no minimum yard requirements were in effect at the time the boundaries of such LOT were defined, the minimum front yard shall be 20 feet and the minimum side and rear yards shall be 10 feet.
- 8.1.3 Replacement of Single- and Two-Family Dwellings on Nonconforming Lots – A STRUCTURE in single family residential USE on a nonconforming LOT may be razed and rebuilt for single family residential USE; and a STRUCTURE in two-family residential USE on a nonconforming LOT may be razed and rebuilt for two-family residential USE; in both cases subject to the following conditions and limitations:
- 8.1.3.1 The replacement STRUCTURE shall not exceed the FLOOR AREA RATIO on the LOT of the STRUCTURE that existed on the LOT before it was razed or damaged.
  - 8.1.3.2 The replacement STRUCTURE shall meet all minimum yard and maximum height requirements of this Bylaw.
  - 8.1.3.3 In the absence of architectural and plot plans for the existing structure to be razed, the FLOOR AREA RATIO shall be determined by using the information on record at the Town of Acton Assessor’s office.
  - 8.1.3.4 Additions to the replacement STRUCTURE may be made after two years following the date of initial occupancy of the replacement STRUCTURE, if otherwise permissible and subject to any permits and special permits that may be required.
- 8.1.4 Extensions, alterations or changes of Single- and Two-Family Dwellings on Nonconforming Lots – One or more extensions, alterations or changes to a single or two-family residential STRUCTURE on a nonconforming LOT shall be deemed not to increase any nonconformity and shall not require special permits under Section 8.1.5, provided that such extensions, alterations or changes comply with all applicable yard requirements and in total do not increase the size of the STRUCTURE by more than 15 percent of the GROSS FLOOR AREA in existence on April 1, 2012 or the date that LOT became nonconforming, whichever is later.

- 8.1.5 In all other cases, the Board of Appeals may, by special permit, allow such reconstruction of, or extension, alteration or change to a single or two-family residential STRUCTURE on a nonconforming LOT, where it determines either that the proposed modification does not

increase the nonconformity or, if the proposed modification does increase the nonconformity, it will not be substantially more detrimental to the neighborhood than the existing STRUCTURE on the nonconforming LOT.

## **8.2 Nonconforming USES**

8.2.1 Continuation of Existing USE - The requirements of Section 6 of "The Zoning Act", Chapter 40A of the General Laws, as amended, shall apply.

8.2.2 Changing a Nonconforming USE - A nonconforming USE may not be changed to another nonconforming USE except in accordance with the following requirements. The Board of Appeals may authorize by special permit a change from a nonconforming USE to another nonconforming USE provided the Board of Appeals finds that the proposed USE is in harmony with the character of the neighborhood and the applicable requirements of the zoning district, and provided further that in the Residential, Village and Office Districts the Board of Appeals may authorize a change only to one of the following other nonconforming USES (all USES as listed in the Table of Principal USES):

- a) In Residential Districts: Two-FAMILY Dwelling; Multifamily Dwelling; Commercial Education or Instruction; Retail Store; Office; Veterinary Care; Services; Repair Shop, Technical Shop, Studio; except that neither nonconforming Two-FAMILY Dwellings nor Multifamily Dwellings shall be changed to another nonconforming USE.
- b) In Village Districts: Multifamily Dwelling, Veterinary Care, Commercial Entertainment, Manufacturing.
- c) In Office Districts: Hotel, Motel, Inn, Conference Center.

8.2.3 Extending a Nonconforming USE -

8.2.3.1 In a Residential District a nonconforming USE may not be extended in area, except that,

- a) nonconforming Two-FAMILY Dwellings may be extended by right, and
- b) nonconforming Multifamily Dwellings may be extended by special permit from the Board of Appeals.

The extension of a nonconforming Two-FAMILY Dwelling or Multifamily Dwelling USE shall be subject to the applicable dimensional controls of this Bylaw and shall not result in an increase in the number of DWELLING UNITS, unless the dwelling qualifies for a Dwelling Conversion in accordance with Section 3.3.4 of this Bylaw.

8.2.3.2 In all other Districts, a nonconforming USE may be extended in area by special permit from the Board of Appeals.

8.2.4 Abandonment - A nonconforming USE which is abandoned shall not be resumed. A nonconforming USE shall be considered abandoned:

8.2.4.1 When a nonconforming USE has been replaced by a conforming USE; or

8.2.4.2 When a nonconforming USE is discontinued for a period of two years or more; or

8.2.4.3 When a nonconforming USE has been changed to another nonconforming USE by special permit from the Board of Appeals.







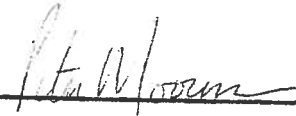
**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9632  
Fax (978) 264-9630

**Cheryl Frazier**  
**Board of Appeals Secretary**

---

**TO: Beacon Community Newspapers**  
**Legal Notice Department**

I hereby authorize Beacon Community Newspapers to bill me directly for the Legal Notice to be placed in connection with my permit/application on Jan 15 + Jan 22nd in the Beacon.

**Signed:**  Peter Moorman

**Address:** 11 Berry Lane

Acton, MA 01720

**Phone:** 617-653-6927

**Note:** This release is to be signed and submitted by the applicant to the Town at the time of initial submittal of every Permit/Application that requires Public Notice by Newspaper. Please leave the day on which date it will appear blank.



**RECEIVED**

**JAN 07 2015**

**TO**

**ACTON**

**Board of Appeals**

**NOTICE OF PUBLIC HEARING**

**The Board of Appeals will hold a Public Hearing on Monday, February 2, 2015 at 7:15 pm in Room 126 of the Town Hall**

**on the following petition:**

**Hearing #15-04**

**Peter Moorman for a SPECIAL PERMIT  
under Section 8.1.5 of the Zoning Bylaw to  
allow for the construction of a 26 x 26 two  
car garage addition on a non-conforming  
lot that will enlarge the existing structure  
by more than 15%. The property is located  
at 11 Berry Lane, Map G4/Parcel 45.**

**Petitioner must be present, or send authorized representative**

**BOARD OF APPEALS**

**Richard Fallon**

**Clerk**



**TOWN OF ACTON**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 929-6633  
Fax (978) 929-6340

## **Board of Appeals**

---

### **Hearing #15-04**

A public hearing of the Acton Board of Appeals will be held on **Monday, February 2, 2015** at **7:15 pm** on the Petition of Peter Moorman for a **SPECIAL PERMIT** under **Section 8.1.5** of the Zoning Bylaw to allow the construction of a 26 x 26 two car garage addition on a non-conforming lot that will enlarge the structure by more than 15%. The property is located at 11 Berry Lane. Map G4/Parcel 45.